



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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**Gray Davis**  
Governor

### Los Angeles Regional Water Quality Control Board Minutes of the April 13, 2000 Board Meeting City of Simi Valley Counsel Chambers 2929 Tapo Canyon Road, Simi Valley, CA

#### INTRODUCTION

1. The meeting was called to order by Chairman Nahai at 9:03 a.m.

#### Board Members Present

Susan Cloke, Jack Coe, Francine Diamond, Marilyn Lyon, H. David Nahai, Timothy Shaheen

#### Board Members Absent

Robert Miller

#### Staff Present

Dennis Dickerson, Jorge Leon, Deborah Smith, Dennis Dasker, Marleigh Wood, Wendy Phillips, Arthur Heath, Jonathan Bishop, Ronji Harris, Hugh Marley, Elizabeth Erickson, Vilma Correa, Jaydeb Das, Sam Unger, Veronica Cuevas-Apuche', Jose Morales, Winnie Jesena, Al Novak, Melinda Merryfield-Becker, David Bacharowski, Blythe Ponak-Bacharowski

#### Others Present

Mark Gold, Heal the Bay  
Jacqueline Lambrichts, Friends of the  
San Gabriel River  
John Mundy, Las Virgenes Municipal  
Water District  
Randal Orton, Las Virgenes Municipal  
Water District  
Brad Glassman, Las Virgenes Municipal  
Water District  
Norman Wilkinson, City of Santa Paula  
Bert Rapp, City of Fillmore  
Carlos Santos, City of Glendale  
Vicki Conway, Los Angeles County Sanitation  
District

Steve Fleischli, Santa Monica Baykeeper  
Gordon Knopp, Las Virgenes Municipal  
Water District  
Ann Dorgelo, Las Virgenes Municipal  
Water District  
Norm Buehring, Las Virgenes Municipal  
Water District  
Mark Subottin, Newhall Land  
Dr. Lowell Preston, County of Ventura  
Water Resources  
Bill Gross, Los Angeles County Sanitation  
District  
Margie Nellor, Los Angeles County  
Sanitation District

Samuel Mc Intyre, Somis Pacific  
Crystal Howard, UCLA Environmental

Aran Wong, Natural Resource Defense  
Council

***California Environmental Protection Agency***



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Law Clinic  
Carlyn Meyer, Water Quality Association  
Judith Wilson, City of Los Angeles Bureau  
of Sanitation  
Jim Langley, City of Los Angeles Bureau  
Christopher Westhoff, Asst. City Attorney  
City of Los Angeles  
Larry Miller, City of Los Angeles  
Heather Hoecherl, Heal the Bay  
Susan Zoske, Algalita Marine Research Foundation

Bob Carlson, City of Thousand Oaks  
Reddy Pakala, Ventura County Waterworks  
Bob Birk, City of Los Angeles  
Melissa Thorne, Downey, Brand, Seymour  
& Rohwer, LLP  
Bob Irwin, City of Los Angeles Bureau of  
Sanitation  
Lloyd Huff, County of Los Angeles Bureau  
of Environmental Protection

**Pledge of Allegiance.**

1. Roll Call

*A roll call was taken.*

2. Order of Agenda.

*The Executive Officer, Dennis Dickerson recommended the following changes to the Agenda.*

- *Remove items 7.2, 7.3, and item 17*
- *Remove items 7.4, 8.2, 8.3, 8.4, 10, 13, 14.1, 14.2, 15, 16, and 18 from Consent Calendar.*
- *Items 8.4 and 13 be heard together*

3. Approval of Special Meeting Minutes of January 31, 2000, and Regular Meeting Minutes of March 2, 2000.

*A motion was made to adopt the minutes with amendments.*

MOTION: By Mr. Coe, seconded by Ms. Cloke, and approved on a voice vote.

4. Board Ex Parte Communication Disclosure.

*Mr. Coe and Mr. Nahai received a call from Mr. Moshe Sassover of Golden West Refining Company.*

5. Consent Calendar.

*There was a motion to adopt the consent calendar as 7.1, 7.5, 8.1, 8.5, 12, and 19.*

MOTION: By Ms. Diamond, seconded by Mr. Coe, and approved on a voice vote.

6. PUBLIC FORUM

*Steve Fleischli addressed the Board with an update on a TMDL Court decision and sewage spills by cities of Los Angeles and Burbank.*

*Mark Gold addressed the Board with information regarding the Watershed Initiative, monitoring issues, and EPA's intent to eliminate the backlog.*

*Jacqueline Lambrichts gave an update to the Board on wetlands restoration along the lower Los Angeles River. She also informed the Board that Friends of the San Gabriel River will participate in the selection of BMP's for storm water runoff from the Los Angeles Zoo.*

*The Executive Assistant read the opening statement and the Chairman gave the oath to those testifying before the Board.*

7. Contested Items.

7.4 Las Virgenes Municipal Water District (Tapia Water Reclamation Plant)  
Calabasas

*Mr. Coe abstained.*

*Al Novak gave the staff presentation. He informed the Board that staff proposed amendments to the existing permit.*

*Ms. Deborah Smith, Assistant Executive Officer presented a review of the written and verbal comments received on this matter. She indicated that Las Virgenes Municipal Water District wrote in support of the changes to the permit. She informed the Board of the concerns of Debra O'Hare, a property owner, over the delay in selecting final disposal options. Others had concerns about the Creek Avoidance Study.*

*Ms. Smith recommended that the proposed order be adopted with two changes.*

- *Strengthen re-opener clause for phosphorus*
- *Change expiration date from to 07/10/2001*

*Ms. Cloke asked Ms. Smith to compare the phosphate issue in this permit with the permit for the discharge to Malibu Creek.*

*Ms. Diamond asked for clarification on Creek Avoidance Study.*

*Ms. Smith informed the Board that the Study was provided to staff last November, and is being reviewed.*

*Mr. Nahai asked Jorge Leon, staff counsel legal questions regarding discharge and the permit/ appeal process.*

*Mr. Leon reported the past action of the Regional Board to extend the no discharge to Malibu Creek period had been appealed by the District to the SWRCB.*

*Winnie Jesena, replied to questions of Mr. Nahai on performance based limits.*

*John Mundy, Las Virgenes Municipal Water District gave testimony, informing the Board of the need for the 005 temporary discharge until a new location can be built. He requested permission to use the 005 from April 15, 2000 through November 15, 2000. Mr. Mundy supports staff recommendation.*

*Steve Fleischli asked the Board to request LVMWD to come back in June 2000 with definite numbers.*

*Ms. Cloke questioned staff about options in case of serious storms.*

*Mark Gold commended the District's staff on their time and efforts spent coming up with a solution, but it should study long-term programs of water reuse.*

*Gordon Knopp, President Las Virgenes Municipal Water District replied to questions asked of the Board. He also addressed the Board on issues on watershed, and beneficial uses.*

*After much discussion by the Board, there was a motion to adopt staff recommendation with modifications as follows:*

- *Section B on change sheet re: phosphorus, sixth line of the paragraph sentence beginning with "However" , between the words "determine" and " that" , insert the words " the Executive Officer" and (two lines below between the words " adopted" and "for" , insert the words "by the Regional Board"*
- *Change date of July 2001 (Order Expires) to November 15, 2001.*
- *Discharger report on phosphorus issues at June 2000 Board meeting*
- *Discharger to appear before the Board at November 2000 Board meeting to report on options for Creek Avoidance.*

**MOTION:** By Mr. Nahai, seconded by Ms. Cloke, and approved on a voice vote.

*There was a 10-Minute break, the meeting resumed at 11:13 a.m.*

8. Consideration of Non-NPDES Permit Requirements.

New

8.2 Air Products and Chemicals, Inc.

*Dennis Dickerson presented some brief background information to the Board.*

*There was a motion to continue this item until more information has been received.*

MOTION: By Ms. Cloke, seconded by Ms. Diamond, and approved on a voice vote.

Revision

8.3 City of Whittier, Savage Canyon Landfill, Whittier

*Ms. Diamond asked for some clarification on matter.*

*Blythe Ponek-Bacharowski responded to questions of Ms. Diamond.*

MOTION: By Ms. Diamond, seconded by Ms. Cloke, and approved on a voice vote.

9. **BASIN PLANNING**

Consideration of an Amendment to the Water Quality Control Plan for the Los Angeles Region.

*Deborah Smith gave introductory remarks.*

*Elizabeth Erickson made the staff presentation. Ms. Erickson presented a historical background of the Drought Policy, as far back as 1990. She also gave a chronological summary background from 1970-2000. She summarized the Santa Clara River hydrology and typical flow conditions, as well as "Peer Review" letters.*

*Jonathan Bishop summarized the Proposed Basin Plan Amendment.*

*At 12:15 p.m. there was a closed lunch session. The meeting reconvened at 1:06 p.m.*

*Mark Subottin, Newhall Land made remarks regarding MOUs.*

*Dr. Lowell Preston Manager of Water Resources, Ventura County gave testimony on reviewed data. Dr. Lowell supports staff recommendation.*

*Vicki Conway, Los Angeles County Sanitation District gave testimony providing information on sources of chloride in wastewater, chloride concentrations and commented on the staff report. Ms. Conway indicated that she has concerns about compliance. She reported long-term average chloride concentrations at the LACSD's*

*two plants. (Saugus and Valencia) was 130 mg/l. The average during droughts was 185 mg/l. She stated that staff recommendation of 180 mg/l should be for daily maximum not maximum instantaneous.*

*Mark Gold, Heal the Bay recommended that the Board proceed with the TMDL process rather than amend the Basin Plan.*

*Steve Fleischli stated that the staff recommendation violates the Antidegradation Policy and the Clean Water Act because there is no demonstration of "significant economic impact". The staff should proceed with the TMDL process.*

*Ms. Smith, and Mr. Bishop replied to questions asked by the Board.*

*Ms. Diamond asked staff why EPA is not involved with this matter.*

*Ms. Cloke expressed her doubts about changing the Basin Plan, and concern that there is no letter from the EPA*

*Mr. Coe noted that although environmental groups favored the TMDL process rather than a Basin amendment, there seemed to be general agreement on the recommended chloride levels, including endorsement by the dischargers (county and city treatment plants) and the users (farmers).*

*Others who gave testimony on this matter:*

*Norman Wilkinson, City of Santa Paulo*

*Aran Wang, NRDC*

*Samuel McIntyre, Somis Pacific*

*Crystal Howard, Student at UCLA*

*After much discussion by the Board, Mr. Nahai moved for a continuance of this matter until the Regular June 29, 2000 meeting to provide staff time to evaluate cost impacts (working with Board Member Lyon's Benefit Cost Task Committee) and to explore obtaining an EPA position.*

MOTION: By Mr. Nahai, seconded by Ms. Lyon, and approved on a voice vote.  
Mr. Coe opposed.

There was a 10-minute break at 2:50. The meeting reconvened at 3:00.

Ms. Lyon departed the meeting at 3:00 p.m.

*The Executive Assistant read the opening statement and the Chairman gave the oath to those testifying before the Board.*

- 8.4 Ventura County Waterworks District No. 1 (Moorpark)
- 13.1 Consideration of an NPDES Permit for Ventura County Waterworks District No. 1
- 13.2 Consideration of a Time Schedule Order (TSO) for Ventura County Waterworks

*Mr. Coe abstained.*

*Dennis Dickerson informed the Board that staff will waive testimony on this matter.*

*Susan Cloke questioned staff.*

*Veronica Cuevas-Apuche addressed the Board regarding violations related to discharge requirements, and technology based effluent limits.*

*Ms. Diamond questioned Board staff.*

*Ms. Smith replied Ms. Diamond's questions.*

*There was a motion to adopt the proposed permit.*

MOTION: By Ms. Cloke, seconded by Ms. Diamond, and approved on a voice vote.

- 14.1 Consideration of an NPDES Permit for Golden West Refining Company
- 14.2 Consideration of a Time Schedule Order for Golden West Refining Company

*Al Novak made the staff presentation, recommending adoption of the tentative permit.*

*Mr. Shaheen asked if there is a timeline for the Golden West Refining project.*

*There was a motion to adopt staff recommendation.*

MOTION: By Ms. Cloke, seconded by Ms. Diamond, and approved on a voice vote.

*The Executive Assistant read the opening statement, and the Chairman gave the oath to those testifying before the Board.*

- 11. Consideration of Complaint No. 99-102 for Administrative Civil Liability (ACL) against the City of Los Angeles for a discharge of partially treated sewage through a water reclamation system, in violation of Section 13376 of the California Water Code.

*Samuel Unger made the staff presentation. Mr. Unger informed the Board that there was a discharge of 1,400,000 gallons of partially treated sewage. Staff recommendation is that the Board affirms the penalty of \$125,397. Mr. Unger summarized the liabilities of this discharge, and of some of the concerns in the*



*comment letters that he received. Mr. Unger indicated that the penalty is consistent with SB/709 and recaptures the economic benefit.*

*Mr. Dickerson stated this incident had occurred prior to the implementation of SB 709.*

*Ms. Diamond asked about the economic costs to the City of Glendale for lack of operation due to this spill.*

*Mr. Leon answered legal questions.*

*Judith Wilson, Director of Sanitation for the City of Los Angeles gave testimony to the Board. She presented background information to the Board on the Los Angeles-Glendale treatment plant. Ms. Wilson introduced the City of Los Angeles staff, and counsel who would be testifying before the Board to challenge the ACL issued against the City of Los Angeles. Ms. Wilson stated that the City did not violate the NPDES Permit, and the ACL is in error in fact and law.*

*Bob Burke, Glendale Reclamation Plant testified before the Board summarizing the details of the night of September 5, 1999. Mr. Burke informed the Board that no effluent had reached the Los Angeles River from this incident. He also informed the Board about the standards of the treatment process, and how the treatment plants are operated.*

*Melissa Thorne, Dancy, Seymour & Royer, outside counsel to the City of Los Angeles, gave testimony to the Board regarding the legal issues. Ms. Thorne disagreed with the allegation that the event of September 15, 1999 constitutes occurrence of a discharge.*

*Steve Fleischli gave testimony, and commended the Regional Board for their efforts and for taking this issue seriously. Mr. Fleischli supports staff recommendation.*

*Mark Gold, Santa Monica Baykeeper said in his testimony that secondary treated discharge is a health risk. He expressed his disappointment in the approach the City of Los Angeles has taken to deny that a violation occurred.*

*Mr. Leon, Regional Board counsel, gave some legal advice.*

*Ms. Cloke asked staff procedural questions regarding issuance of an ACL.*

*Hugh Marley, Regional Board staff answered questions asked by Ms. Cloke.*

*Mr. Coe asked Mr. Unger to explain how he derived the amount of the fines, and if the approach was similar to past fines.*



*Mr. Unger 's replied that the fine was consistent with other recent ACLs issued in addition to the ACL for Ojai Valley.*

*After much discussion by the Board, a motion was made to approve the ACL.*

MOTION: By Mr. Nahai, seconded by Mr. Coe and approved on a voice vote.

At 5:00 p.m. there was a 10-minute recess.

At 5:10 the Board reconvened.

- 15.1 Consideration of Waste Discharge Requirements (WDR) for Tivoli Cove Homeowners Association.
- 15.2 Consideration of a Time Schedule Order (TSO) for Tivoli Cove Homeowners Association  
Tivoli Cove Wastewater Treatment Plant, under Section 13263(e) of the California Water Code.

*Hugh Marley made the staff presentation. He told the board that the previous permit had no limits in it. Mr. Marley recommends that the Board adopt the WDR and the TSO.*

*Jaydeb Das concluded the staff presentation clarifying the previous requirements of the permit.*

*Heather Hoecherl, Heal the Bay gave testimony and supports staff recommendation. She expressed her appreciation for working with Regional board staff on this permit.*

*After some discussion, a motion was made to adopt the WDR and the TSO.*

MOTION: By Mr. Nahai, seconded by Ms. Diamond, and approved on a voice vote.

- 16. Consideration of a Resolution Authorizing the Executive Officer to approve a Supplemental Environmental project (SEP) for Los Angeles Refining Company (LARC), a division of Equilon.

*Michael Lyons gave the staff presentation indicating that the matter could have been considered as a consent item, with the exception that details of the tentative resolution were re-written for clarification which necessitated the item being pulled from the consent calendar. Mr. Lyons summarized the ACL of September 1999, along with some background information/materials. He also presented a break down of the money allocations to the Board.*

*Ms. Cloke asked a questioned of staff regarding the date.*

*Dennis Dickerson replied to Ms. Cloke's question.*

*Ms. Zoske, Algalita Marine thanked the Board for helping with this project and indicated that it was a wonderful experience for her.*

*Mr. Nahai moved that a motion be made to adopt the resolution with staff recommendations.*

MOTION: By Ms. Diamond, seconded by Ms. Cloke, and approved on a voice vote.

18. Consideration of a rescission of Cease and Desist Order No. 99-144 for Alameda Corridor Transportation Authority, Compton Creek Discharge Under General NPDES Permits.

*There was no staff presentation given on this item.*

*Ms. Cloke asked a question regarding the notice of violation.*

*Mr. Dickerson, Executive Officer, replied to Ms. Cloke's question.*

*A motion was made to adopt the proposed orders.*

MOTION: By Ms. Cloke, seconded by Mr. Shaheen, and approved on a voice vote.

20. Discussion of Future Board Retreats.

*Dennis Dickerson indicated to the Board that he encourages having two Board Retreats per year.*

21. Report of Cost Benefit Task Committee.

*There was no report made on this matter.*

22. Report of Resources Task Committee.

*There was no report made on this matter.*

23. Board Member Communications.

*There was nothing to report on this matter.*

24. Executive Officer's Report.

*Dennis Dickerson gave the Board an update on the Alameda Corridor Transportation Authority (ACTA) oversight committee issues. He indicated that he is working on a memo to update the Board on the ACTA Oversight Committee's last three meetings, as well as forthcoming issues.*

*Deborah Smith briefed the Board on the ACTA workplans and other concerns surrounding ACTA.*

25. Adjournment of Current Meeting.

*The meeting adjourned at 6:20 p.m. The next regular meeting is scheduled for June 29, 2000 at Richard H. Chambers, U.S. Court of Appeals located at 125 S. Grand Avenue, Pasadena, at 9:00 a.m. We will also hold a Special Meeting on June 19, 2000 at The Metropolitan Water District of Southern California located at 700 North Alameda, Los Angeles.*

Minutes adopted at the \_\_\_\_\_ Regular Board meeting submitted/amended.

Written and submitted by: \_\_\_\_\_.